



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Brown Bros. Agencies Limited  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by Direct Request by the landlord for an order of possession and a monetary order due to unpaid rent. A participatory hearing was not convened.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that the landlord served each tenant with something. While the Proof of Service of the Notice of Direct Request Proceeding requires the landlord to identify both what was served and when it was served the landlord has not completed this section of the Proof of Service Documents.

As such, I cannot determine if the landlord served each of the tenants with a copy of the Notice of Direct Request Proceeding or copies of any supporting documents. Further the landlord did not identify, in the Proof of Service document, when anything was served to each of the tenants.

Direct Request proceedings are conducted when a landlord issues a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and the tenant(s) has not filed an Application for Dispute Resolution seeking to cancel the Notice within 5 days of receiving the Notice. The proceeding is conducted *ex parte* and based solely on the paperwork provided by the applicant landlord.

Because the hearing is conducted without the benefit of having a participatory hearing in which I might question either of the parties if something is unclear in the paperwork all documents submitted must be complete and clear.

As it is not clear in the submitted paperwork what was served to the tenants, or when, in regard to the Application for Dispute Resolution by Direct Request I find the landlord has failed to establish each tenant was served with notice of this proceeding. As such, I find the landlord's Application is not suitable for adjudication through the Direct Request process as submitted.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and to a monetary order for unpaid rent, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

Conclusion

Based on the above, I dismiss this Application for Dispute Resolution by Direct Request in its entirety with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 21, 2015

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Residential Tenancy Branch

